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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4257

AN ORDINANCE relating to exemptions from the State Environmental Policy Act and from the Bellevue Environmental Procedures Code; amending Bellevue City Code (Environmental Procedures Code) Sections 22.02.032, 22.02.045, 22.02.065, and 22.02.150.

WHEREAS, these amendments relate to the City Council priority to consider means to streamline the permit review process; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act and the City's Environmental Procedures Code; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Bellevue City Code (Environmental Procedures Code).
Section 22.02.032 is amended as follows:

22.02.032 Determination of categorical exemption.

- A. Upon the receipt of an application for a proposal, the receiving department shall, and for city proposals, the initiating department shall, determine whether the proposal is an action potentially subject to SEPA and, if so, whether it is categorically exempt. This determination shall be made based on the definition of action (WAC 197-11-704), the process for determining categorical exemption (WAC 197-11-305) and the designation of environmentally sensitive areas under Section 22.04.045 of this code. Departments shall ensure that the proposal is properly defined per WAC 197-11-060(3). If there is any question whether or not a proposal is exempt, the environmental coordinator shall be consulted and shall make the determination. If the proposal is not categorically exempt, the department making the determination (if different from the proponent) shall notify the proponent of the proposal that he/she must submit an environmental checklist per Section 22.02.033.
- B. Pursuant to the authority provided by WAC 197-11-800(1)(c), the following categorical exemption thresholds apply to exemptions determined under WAC 197-11-800(1) for minor new construction in Bellevue, replacing those provided under WAC 197-11-800(1)(b)(i), (ii) and (v):

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1. The construction or location of residential structure(s) containing less than ten dwelling units:
2. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering thirty thousand square feet, and to be used by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots;
3. Any landfill or excavation of five hundred cubic yards throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder.

(Ord. 4102 § 3, 1990: Ord. 3404 § 10, 1984.)

Section 2. Bellevue City Code (Environmental Procedure Code).
Section 22.02.045 is amended as follows;

22.04.045 Environmentally sensitive areas.

- A. The following areas are designated as environmentally sensitive areas pursuant to WAC 197-11-908:
 1. Areas depicted on maps filed under clerk's receiving number 3828;
 2. Wetlands, riparian corridors, areas of special flood hazard, and slopes of forty percent or more as depicted on maps filed under clerk's receiving number 12386.All such maps are adopted by reference to this code.
- B. The following exemptions do not apply within any environmentally sensitive area described in subsection A of this section: WAC 197-11-800(1), except that the construction or location of a single family residence within an environmentally sensitive area is exempt, (2)(d), (2)(g), (6)(a), (24)(a-d)(g), (25)(d) and (25)(h).
- C. All exemptions listed in WAC 197-11-800 and not listed in subsection B of this section continue to apply in an environmentally sensitive area designated pursuant to the environmental procedures code.

(Ord. 3379 § 1, 1987; Ord. 3477 § 2, 1985: Ord. 3404 § 21, 1984:
Ord. 3305 § 5, 1983: Ord. 2340 § 2(part), 1976.)

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Section 3. Bellevue City Code (Environmental Procedures Code)
Section 22.02.150 is amended as follows:

22.02.150 Appeal of decision attaching conditions to the approval of a proposal or denying a proposal.

- A. General. The decision of the applicable department director approving a proposal subject to conditions or denying a proposal under the authority of Section 22.02.140 may be appealed to city council. The appeal will be processed using Process V, Bellevue City Code (Land Use Code) 20.35.500 et seq. Only one SEPA appeal may be filed for a proposal with multiple permits. The SEPA appeal must be filed at time of the first approval on which SEPA conditions are imposed. Subsequent SEPA appeals are barred unless related to a SEPA based condition not imposed at the time of any previous approval. Issues relating to the adequacy of the EIS and other procedural issues may not be appealed under this section. Any provisions of this section which conflict with Sections 20.35.500 et seq., control over that section.
- B. Who May Appeal. Any person adversely affected by the decision of the applicable department director may appeal that decision; however, the procedural requirements to become a party of record to a discretionary land use action must be satisfied in order to appeal the SEPA conditions imposed upon that land use action.
- C. Time to Appeal Administrative Decision. A written statement appealing the decision of the applicable department director must be filed with permit administration within twenty calendar days of the date the decision of the director was mailed or otherwise become effective.
- D. Time to Appeal City Council Decision to Superior Court. The decision of the city council on the administrative appeal must be appealed to superior court in conjunction with an appeal of the underlying action in accordance with RCW 43.21C.075 and within the time limits specified therein.
- E. Exemption. This section does not apply to decisions made pursuant to RCW 90.58; the Shoreline Management Act.

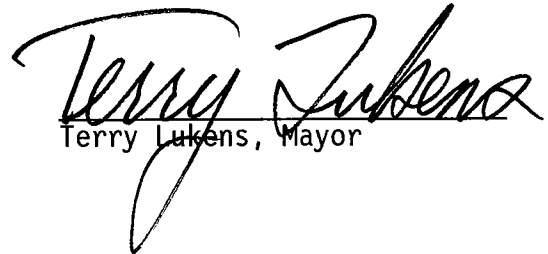
(Ord. 4102 § 11, 1990.)

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Section 4. This ordinance shall take effect and be in force thirty days after final passage by the City Council.

PASSED by the City Council this 3rd day of June, 1991, and signed in authentication of its passage this 3rd day of June, 1991.

(SEAL)

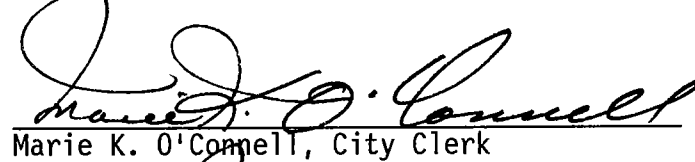

Terry Lukens, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard L. Andrews, City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published June 7, 1991